

STATE OF MICHIGAN
COURT OF APPEALS

BETH ANN LULLO,

Plaintiff-Appellant,

v

RICK JON HEIKKILA,

Defendant-Appellee.

UNPUBLISHED

July 10, 2001

No. 226065

Marquette Circuit Court

LC No. 99-035459-NI

Before: Saad, P.J., and Holbrook, Jr. and Murphy, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion for summary disposition in this no-fault action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action for noneconomic damages resulting from an automobile accident. She asserted that she sustained a serious impairment of body function due to injuries sustained to her back. The trial court granted defendant's motion for summary disposition, finding that the injury did not affect plaintiff's ability to lead a normal life.

Under MCL 500.3135(1), a person remains subject to tort liability for noneconomic loss only if the injured person has suffered death, serious impairment of body function or permanent serious disfigurement. A serious impairment of body function is defined as "an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life." MCL 500.3135(7). The issue of whether an injured person has suffered a serious impairment of body function is a question of law for the court if there are no material factual disputes as to the nature and extent of the person's injuries. MCL 500.3135(2)(a); *May v Sommerfield*, 239 Mich App 197, 201; 607 NW2d 422 (1999).

Here, the trial court properly compared plaintiff's lifestyle before and after the accident to determine no factual dispute existed with respect to her injuries. *May v Sommerfield (After Remand)*, 240 Mich App 504, 506; 617 NW2d 920 (2000). Plaintiff continued to engage in similar activities after the accident. She experienced pain, but the only activities affected were her reduced ability to run, and the limitation on the type of exercises she could perform. There is no showing that the trial court erred in concluding that plaintiff's impairment did not affect her general ability to lead a normal life.

Affirmed.

/s/ Henry William Saad
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy